

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE B. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS

CHAPTER 521. DRIVER'S LICENSES AND CERTIFICATES

SUBCHAPTER G. LICENSE APPLICATION REQUIREMENTS

Sec. 521.141. GENERAL APPLICATION REQUIREMENTS. (a) An applicant for an original or renewal of a driver's license must apply in a manner prescribed by the department.

(b) An application for an original license must be verified by the applicant before a person authorized to administer oaths. An officer or employee of the department may administer the oath. An officer or employee of this state may not charge for the administration of the oath.

(c) The application must be accompanied by the required fee and must be submitted to the department before the department may administer an examination.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.
Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 21, eff. Sept. 1, 1999.

Sec. 521.142. APPLICATION FOR ORIGINAL LICENSE. (a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept as satisfactory proof of identity under this subsection an offender

2:13-cv-193
09/02/2014

DEF0055

exhibitsnicker.com

TA_002190

PX059

identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

(b) The application must include:

(1) the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant;

(2) a photograph of the applicant;

(3) the signature of the applicant; and

(4) a brief description of the applicant.

(c) The application must state:

(1) the sex of the applicant;

(2) the residence address of the applicant, or if the applicant is a federal judge, a state judge, or the spouse of a federal or state judge using the procedure developed under Section 521.121(c), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge;

(3) whether the applicant has been licensed to drive a motor vehicle before;

(4) if previously licensed, when and by what state or country;

(5) whether that license has been suspended or revoked or a license application denied;

(6) the date and reason for the suspension, revocation, or denial;

(7) whether the applicant is a citizen of the United States; and

(8) the county of residence of the applicant.

Text of subsection as amended by Acts 2009, 81st Leg., R.S., Ch. [1253](#), Sec. 9

(d) If the applicant is under 21 years of age, the application must state whether the applicant has completed a driver education course required by Section 521.1601.

Text of subsection as amended by Acts 2009, 81st Leg., R.S., Ch. [1413](#), Sec. 1

(d) If the applicant is under 25 years of age, the application must state whether the applicant has completed a driver education course required by Section 521.1601.

(e) The application must include any other information the department requires to determine the applicant's identity, residency, competency, and eligibility as required by the department or state law.

(f) Information supplied to the department relating to an applicant's medical history is for the confidential use of the department and may not be disclosed to any person or used as evidence in a legal proceeding other than a proceeding under Subchapter N. This subsection does not apply to information provided by an applicant under Subsection (h).

(g) The department may require an applicant to provide the applicant's social security number only for a purpose permitted by Section 521.044.

(h) The application must provide space for the applicant to voluntarily list any health condition that may impede communication with a peace officer as evidenced by a written statement from a licensed physician.

(i) The application must provide space for the applicant:

(1) to voluntarily list any military service that may qualify the applicant to receive a license with a veteran's designation under Section 521.1235; and

(2) to include proof required by the department to determine the applicant's eligibility to receive that designation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.
Amended by Acts 1999, 76th Leg., ch. 556, Sec. 78, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 640, Sec. 3, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1335, Sec. 2, eff. Jan. 1, 2004.

Amended by:

Acts 2005, 79th Leg., Ch. [1108](#), Sec. 5, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. [1218](#), Sec. 4, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. [316](#), Sec. 4, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1146](#), Sec. 13A.04, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1146](#), Sec. 14.01, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1253](#), Sec. 9, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1413](#), Sec. 1, eff. March 1, 2010.

Acts 2011, 82nd Leg., R.S., Ch. [91](#), Sec. 24.011, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. [273](#), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. [4](#), Sec. 72.06, eff. September 28, 2011.

Sec. 521.1421. INMATE IDENTIFICATION VERIFICATION PILOT PROGRAM. (a) The department shall participate in an inmate identification verification pilot program for the purpose of issuing driver's licenses and personal identification certificates to inmates of the Texas Department of Criminal Justice.

(b) Under the pilot program, the department may:

(1) enter into a contract with the Texas Department of Criminal Justice and the Department of State Health Services to establish an identification verification process for inmates of the Texas Department of Criminal Justice; and

(2) issue a driver's license or a personal identification certificate to an inmate whose identity has been confirmed through the verification process and who otherwise meets the requirements for the issuance of the driver's license or personal identification certificate.

(c) At the conclusion of the pilot program the governing bodies of the participating agencies may agree to continue the pilot program on a permanent basis.

(d) Not later than December 1, 2010, the department and the Texas Department of Criminal Justice shall jointly issue a report to the standing committees of the legislature with jurisdiction over issues related to criminal justice and homeland security addressing:

(1) the status of the pilot program;

(2) the effectiveness of the pilot program; and

(3) an analysis of the feasibility of implementing a statewide program based on the pilot program.

Added by Acts 2009, 81st Leg., R.S., Ch. [1146](#), Sec. 14.02, eff. September 1, 2009.

Sec. 521.1425. INFORMATION REQUIRED TO BE FURNISHED TO DEPARTMENT. (a) Except as provided by Subsections (b) and (c), the department may require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Section 521.142.

(b) The department shall require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Sections 521.142(c)(7) and (8).

(c) Unless the information has been previously provided to the department, the department shall require each applicant for

an original, renewal, or duplicate driver's license to furnish to the department:

(1) proof of the applicant's United States citizenship; or

(2) documentation described by Section 521.142(a).

(d) The department may not deny a driver's license to an applicant who provides documentation described by Section 521.142(a) based on the duration of the person's authorized stay in the United States, as indicated by the documentation presented under Section 521.142(a).

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.76(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 640, Sec. 4, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. [4](#), Sec. 72.07, eff. September 28, 2011.

Sec. 521.1426. DOMICILE REQUIREMENT; VERIFICATION. (a) The department may not issue a driver's license or a personal identification certificate to a person who has not established a domicile in this state.

(b) The department shall adopt rules for determining whether a domicile has been established, including rules prescribing the types of documentation the department may require from the applicant to verify the validity of the claimed domicile.

(c) The department may contract with a third-party personal data verification service to assist the department in verifying a claim of domicile, including whether the physical address provided by the applicant is the applicant's actual residence.

Added by Acts 2009, 81st Leg., R.S., Ch. [1146](#), Sec. 13.04, eff. June 19, 2009.

Sec. 521.1427. POST OFFICE BOX NOT VALID AS ADDRESS. (a) In this section, "post office box address" means a United States Postal Service post office box address or a private mailbox address.

(b) Unless an exception exists under state or federal law, an applicant may receive delivery of a license or a personal identification certificate at a post office box address only if the applicant has provided the department the physical address where the applicant resides.

(c) The department may require the applicant to provide documentation that the department determines necessary to verify the validity of the physical address provided under Subsection (b).

(d) The department may contract with a third-party personal data verification service to assist the department in verifying whether the physical address provided by the applicant is the applicant's actual residence.

Added by Acts 2009, 81st Leg., R.S., Ch. [1146](#), Sec. 13.04, eff. June 19, 2009.

Sec. 521.143. EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED. (a) An application for an original driver's license must be accompanied by evidence of financial responsibility or a statement that the applicant does not own a motor vehicle for which evidence of financial responsibility is required under Chapter 601. The department may require an application for a renewal of a driver's license to be accompanied by evidence of financial responsibility or a statement that the applicant does not own a motor vehicle for which evidence of financial responsibility is required under Chapter 601.

(b) Evidence of financial responsibility presented under this section must be in at least the minimum amounts required by Section 601.072 and must cover each motor vehicle owned by the applicant for which the applicant is required to maintain

evidence of financial responsibility. The evidence may be shown in the manner provided by Section 601.053(a).

(c) A personal automobile insurance policy used as evidence of financial responsibility under this section must comply with Article 5.06 or 5.145, Insurance Code.

(d) A statement that an applicant does not own a motor vehicle to which the evidence of financial responsibility requirement applies must be sworn to and signed by the applicant.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.
Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 23, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 206, Sec. 21.46, eff. June 11, 2003.

Sec. 521.144. APPLICATION BY NEW STATE RESIDENT. (a) A new resident of this state who applies for a driver's license must submit with the application:

(1) evidence that each motor vehicle owned by the person is registered under Chapter 502; or

(2) an affidavit that the applicant does not own a motor vehicle required to be registered under Chapter 502.

(b) The department may not issue a driver's license to a new resident who fails to comply with Subsection (a).

(c) A registration receipt issued by the county assessor-collector of the county in which the new resident resides is satisfactory evidence that a motor vehicle is registered under Chapter 502.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.145. APPLICATION BY PERSON UNDER 18 YEARS OF AGE.
(a) The application of an applicant under 18 years of age must be signed by:

(1) the parent or guardian who has custody of the applicant; or

(2) if the applicant has no parent or guardian:

(A) the applicant's employer; or

(B) the county judge of the county in which the applicant resides.

(b) The department shall provide the applicant and the cosigner with information concerning state laws relating to driving while intoxicated, driving by a minor with alcohol in the minor's system, and implied consent. The applicant and cosigner must acknowledge receipt of this information.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 1013, Sec. 19, eff. Sept. 1, 1997.

Sec. 521.146. APPLICATION FOR DUPLICATE LICENSE OR CERTIFICATE. (a) If a driver's license or certificate issued under this chapter is lost or destroyed, or there is a change in pertinent information, the person to whom the license or certificate was issued may obtain a duplicate or corrected version.

(b) An applicant for a corrected driver's license or certificate must submit to the department the required fee, accompanied by the required information that has changed with proof satisfactory to the department that supports the change.

(c) The department by rule may provide that the holder of a driver's license or identification certificate issued by the department may apply for the issuance of a duplicate license or certificate by mail, by telephone, over the Internet, or by other electronic means.

(d) A rule adopted under Subsection (c) may prescribe eligibility standards for issuance of a duplicate driver's license or identification certificate under this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 866, Sec. 2, eff. Sept. 1, 2001.

Sec. 521.147. REGISTRATION WITH SELECTIVE SERVICE SYSTEM.

(a) After an application for an original, renewal, or duplicate driver's license or personal identification certificate is submitted by a male applicant who on the date of the application is at least 18 years of age but younger than 26 years of age, the department shall send in an electronic format to the United States Selective Service System the information from the application necessary to register the applicant under the Military Selective Service Act (50 U.S.C. App. Section 451 et seq.).

(b) An application under this section must give written notice to an applicant that the application also constitutes registration with the United States Selective Service System for persons who are subject to registration and have not previously registered. The notice must be conspicuous on the application and state: "By submitting this application, I am consenting to registration with the United States Selective Service System if my registration is required by federal law."

(c) An application under this section must give written notice to an applicant that information regarding alternative service options for applicants who object to conventional military service for religious or other conscientious reasons is available from the department upon request.

(d) The applicant's submission of the application following this notification constitutes the applicant's consent to the sending of the information and the registration.

(e) In addition to the notifications required by Subsections (b) and (c), the department may conspicuously post at each location where applications for driver's licenses and personal identification certificates are accepted one or more signs, in English and Spanish, providing the information contained in the notifications.

(f) Subsections (a) and (d) do not apply to an applicant concerning whom the department has previously sent information to the Selective Service System.

Added by Acts 2001, 77th Leg., ch. 973, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [167](#), Sec. 1, eff. September 1, 2011.

Sec. 521.148. APPLICATION FOR CLASS M LICENSE OR AUTHORIZATION TO OPERATE MOTORCYCLE. (a) An applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

(c) When the department issues a license to which this section applies, the department shall provide the person to whom the license is issued with written information about the Glenda Dawson Donate Life-Texas Registry operated under Chapter 692A, Health and Safety Code.

Added by Acts 2009, 81st Leg., R.S., Ch. [1391](#), Sec. 4, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [554](#), Sec. 4, eff. January 1, 2012.

2011 -- S 0400 SUBSTITUTE A

=====

LC01516/SUB A

=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ELECTIONS - VOTER IDENTIFICATION

Introduced By: Senator Harold M. Metts

Date Introduced: March 10, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-24 of the General Laws in Chapter 17-19 entitled "Conduct
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-24. Procedure for voting.** -- (a) Each person desiring to vote shall [provide proof](#)
4 [of identification as required by section 17-19-24.2 and](#) state his or her name and residence,
5 including that person's street address, if he or she has any, to the pair of bi-partisan supervisors,
6 who shall then announce the name and residence in a loud and distinct voice, clear and audible.

7 (b) A bipartisan pair shall locate the voter's name on the certified voting list for the
8 voting district. Upon finding the voter's name on the certified voting list for the district, the voter
9 shall sign their name on the line next to their printed name on the certified voter list, and the
10 bipartisan pair shall initial the certified voter list in the place provided next to the voter's signature
11 entered on the certified list of voters. The bipartisan pair shall also make a proper notation on the
12 certified voter list that the applicant has voted in the election. If the bipartisan pair cannot locate
13 the voter's name on the certified voting list for the voting district the bipartisan pair shall direct
14 the voter to the clerk who shall review the certified list for the city or town and determine if the
15 voter is registered to vote and in which voting district they are eligible to vote. The bipartisan pair
16 of supervisors shall provide the voter with the appropriate computer ballot and security sleeve.
17 The warden shall direct the voter to the voting booth which the voter shall use, and unless the
18 voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her
19 vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall

1 proceed to the optical scan precinct count unit and shall personally place his or her voted ballot
2 into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No
3 voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to
4 leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by
5 order of the warden. Except for the election officials and the election inspector, not more than two
6 (2) voters in excess of the number of voting booths shall be permitted within the enclosed space
7 at any time.

8 (c) The optical scan precinct count unit shall be programmed to return a ballot to the
9 voter if the voter has cast votes for more persons than which he or she is entitled to cast. The
10 warden, by reading the message given on the optical scan precinct count unit, must advise the
11 voter of the fact that the ballot has been over-voted. The voter will be instructed by the warden to
12 remove his or her own ballot from the optical scan precinct count unit ballot slot. The warden will
13 then ask the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the
14 voter will make additional marks on the ballot so as not to identify the actual votes intended by
15 the voter for the ballot. The ballot will be marked void by the warden and deposited in the
16 receptacle for void ballots provided at the polling place. If the voter insists on casting the over-
17 voted ballot, he or she will be advised that all races, other than the over-voted race, will be
18 counted by the optical scan precinct count unit, and if he or she still insists, the warden will
19 manually override the appropriate control on the unit and allow for the ballot to be entered and
20 counted for all races other than the over-voted race.

21 (d) In the event a voter incorrectly marks a ballot by indicating his or her choices other
22 than in the spaces provided for them, the ballot will be returned to the voter. The warden, by
23 reading the message given on the optical scan precinct count unit, must advise the voter of the
24 fact that the ballot has been marked incorrectly. The voter will be instructed by the warden to
25 remove his or her own ballot from the optical scan precinct unit ballot slot. The warden will then
26 advise the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the
27 voter will make additional marks on the ballot so as not to identify the actual votes intended by
28 the voter for the ballot. The ballot will be marked void by the warden and deposited in the
29 receptacle for void ballots provided at the polling place. The warden will then provide for the
30 instruction of the voter on the correct manner of marking his or her vote and the voter will be
31 issued a new ballot. If the voter insists on casting the incorrectly marked ballot, the warden will
32 manually override the appropriate control on the optical scan precinct count unit and allow for the
33 ballot to be accepted.

34 SECTION 2. Chapter 17-19 of the General Laws entitled "Conduct of Election and

Voting Equipment, and Supplies" is hereby amended by adding thereto the following sections:

17-19-24.2. Voter Identification. – (a) Beginning on January 1, 2012, any person claiming to be a registered and eligible voter who desires to vote at a primary election, special election or general election shall provide proof of identity. For purposes of this section, proof of identity shall include:

(1) A valid and current document showing a photograph of the person to whom the document was issued, including without limitation:

(i) Rhode Island driver's license;

(ii) Rhode Island voter identification card;

(iii) United States passport;

(iv) Identification card issued by a United States educational institution;

(v) United States military identification card;

(vi) Identification card issued by the United States or the State of Rhode Island;

(vii) Government issued medical card.

(2) A valid and current document without a photograph of the person to whom the document was issued, including without limitation:

(i) Birth certificate;

(ii) Social security card;

(iii) Government issued medical card.

(b) From and after January 1, 2014, any person claiming to be a registered and eligible voter who desires to vote at a primary election, special election or general election shall provide proof of identity listed in subdivisions (a)(1).

(c) No later than January 1, 2012, Rhode Island voter identification cards will be issued upon request, and at no expense to the voters, at locations and in accordance with procedures established by rules and regulations promulgated by the secretary of state. The purpose of this section is to provide voter identification cards to those voters who do not possess the identification listed in subdivision (a)(1).

(d) If the person claiming to be a registered and eligible voter is unable to provide proof of identity as required in subdivisions (1) and (2) above, the person claiming to be a registered voter shall be allowed to vote a provisional ballot pursuant to section 17-19-24.2 upon completing a provisional ballot voter's certificate and affirmation. The local board shall determine the validity of the provisional ballot pursuant to section 17-19-24.3.

17-19-24.3. Provisional Ballot Procedures. – (a) At all elections, a person claiming to be a registered and eligible voter, but who has failed to provide proof of identity pursuant to

1 section 17-19-24.2 shall be allowed to vote a provisional ballot upon executing a provisional
2 ballot voter's application. All provisional ballots, together with a provisional ballot voter's
3 application, shall be placed in an envelope in the form prescribed by the state board and deposited
4 in a ballot box.

5 (b) The local board shall examine each provisional ballot application to determine if the
6 signature matches the signature on the voter's registration. If the local board determines that the
7 signatures match, the provisional ballot shall count. If the local board determines that the
8 signatures do not match, the provisional ballot shall not count and the ballot shall remain in the
9 envelope containing the provisional ballot application and the envelope shall be marked
10 "Rejected as Illegal".

11 SECTION 3. This act shall take effect upon passage.

=====
LC01516/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS - VOTER IDENTIFICATION

1 This act would provide that any person claiming to be a registered and eligible voter who
2 desires to vote at a primary election, special election or general election, shall provide proof of
3 identity. In the event such person fails to provide the required proof of identity, this act would
4 provide that the person may vote a provisional ballot upon completing a provisional ballot
5 application and the local board shall determine the validity of the provisional ballot.
6 This act would take effect upon passage.

=====
LC01516/SUB A
=====